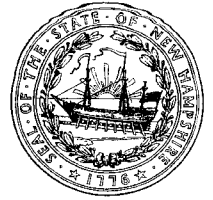




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 18, 2006

Mr. Kurt Blomquist
Town of Keene
Director of Public Works
350 Marlboro Street
Keene, New Hampshire 03431

CERTIFIED MAIL (7099 3400 0018 1290 6610)
RETURN RECEIPT REQUESTED
LETTER OF DEFICIENCY
No. ARD 06-002
(Sta.S.)

Re: Keene Landfill
55 Old Summit Road, Keene, NH

Dear Mr. Blomquist:

On March 2, 2005, the Department of Environmental Services, Air Resources Division ("DES"), wrote to Mr. Duncan Watson, Assistant Director of Public Works, City of Keene ("Keene"), requesting additional information in order to evaluate the City's application for a State Permit to Operate for the Keene Landfill. To establish representative emissions of sulfur-related compounds emitted from the landfill itself and the combustion devices, DES requested that Keene conduct sampling of the landfill gas for sulfur compounds no later than April 30, 2005. The letter also asked Keene to submit a test report to DES within 60 days after completion of testing.

The sampling that DES requested be completed by April 30, 2005, was performed on August 11, 2005. Preliminary results were e-mailed by your consultant to Jack Glenn of my staff. Mr. Glenn requested that a final test report be submitted, and, when none was received, he e-mailed Tom Duffield who works for the City's consultant, T.F. Morand. The October 12, 2005 e-mail outlined the components of an acceptable test report, as specified in Env-A 802.11, *Report Submission Requirements*.

On October 27, 2005, Robert R. Scott, Director of the DES, Air Resources Division, wrote to you about several matters, including the test report. He requested that the report be submitted within 30 days of the date of his letter. When no report was received, Barbara Hoffman of my staff called you on December 8, 2005, to inquire about the status of the report. You indicated that your staff was working on it. On December 19, 2005, Ms. Hoffman called Mr. Watson and was again told that the consultant was working on the report.

This Letter of Deficiency ("LOD") is being sent to identify the following deficiencies:

1. Pursuant to RSA 125-C:6, DES is authorized to request the submission of test reports. Env-A 802.11 requires that a test report be submitted within 60 days of a test and that it contain the following information:

- (a) All the information required for the pre-test protocol as described in Env-A 802.04;
- (b) All test data;
- (c) All calibration data;
- (d) Process data agreed by the division and the owner or operator to be collected;
- (e) All test results;
- (f) A description of any discrepancies or problems that occurred during testing or sample analysis;
- (g) An explanation of how discrepancies or problems were treated and their effect on the final results; and
- (h) A list and description of all equations used in the test report, including sample calculations for each equation used.

Keene has failed to submit a test report for the testing performed on August 11, 2005, providing all of the information required by Env-A 802.11. Such report was required within 60 days after the test and has been requested numerous times, as documented above.

2. Env-A 907, *General Reporting Requirements*, and Condition IX.A. of the Landfill's expired State Permit to Operate No. FP-S-O100, require the submission of an emission report each year by April 15. Keene has not submitted emission reports for the years 2000 through 2004. On June 14, 2000, Keene requested a waiver of this requirement, which was denied on October 27, 2005. Requesting the waiver of a requirement does not suspend the applicant's duty to comply with the requirement until a decision is reached. Submission of the emission reports within 30 days was requested in the October 27, 2005 letter. To date, no response has been received from Keene.
3. Env-A 705, *Emission-Based Fee*, requires any owner or operator of a stationary source, area source or device that is required to have a temporary permit, State Permit to Operate, or Title V Operating Permit, to pay to DES each year an emission-based fee as calculated pursuant to Env-A 705.03. Keene has not paid emission-based fees for the years 2000 through 2004. On June 14, 2000, Keene requested a waiver of this requirement, which was denied on October 27, 2005. Requesting the waiver of a requirement does not suspend the applicant's duty to comply with the requirement until a decision is reached. Submission of the emission reports within 30 days was requested in the October 27, 2005 letter, so that DES could calculate the fees owed. To date, no response has been received from Keene.

DES believes that these deficiencies can be resolved by Keene taking the following actions:

4. By **February 1, 2006**, submit a test report for the testing performed on August 11, 2005, providing the information required by Env-A 802.11.
5. By **February 1, 2006**, submit emission reports for the years 2000 through 2004.
6. By **February 1, 2006**, submit an estimate of emission-based fees owed for the years 2000 through 2004 and a proposed schedule for paying those fees to DES. The emission-based fee was \$57.65 per ton of pollutants emitted in calendar year 2000, \$64.33 per ton in 2001, \$70.80 per ton in 2002, \$85.37 per ton in 2003, and \$86.75 in 2004. If you have any questions on calculating emissions or emission-based fees, please contact Sonny Strickland at (603) 271-6283.

In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against Keene, including issuing an order requiring the deficiencies to be corrected, and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties.

Please address all information to Barbara Hoffman at the following address:

NHDES Air Resources Division
Enforcement Section
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Please be advised that DES will continue to monitor the compliance status of Keene and that this letter does not provide relief against any other existing or future violations. It is important that Keene be aware of all the applicable regulations.

If you have questions regarding compliance with Env-A 100 et seq., NH Rules Governing the Control of Air Pollution, or require further information, please contact Barbara Hoffman at (603) 271-7874, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink is written over the word "COPY" in a large, bold, sans-serif font. The signature appears to be "P. Monroe".

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/blh

Enc.: Env-A 802

cc: R. Kurowski, EPA Region 1
G. Hamel, DES Legal Unit Administrator
J. MacLean, Keene City Manager
AFS # 3300500022